

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 17, 1970
9:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor LaRue presiding.

Roll call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Absent: None

The invocation was delivered by FATHER ROBERT GILMORE, St. Mary's Catholic Church.

PARADE PERMIT APPROVED

Councilman Price moved the Council approve the application for a parade permit by Mr. H. C. Pittman for Inauguration Parade, January 19, 1971 from 3:00 P.M. to 5:00 P.M. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ZONING POSTPONED

Councilman Price moved the Council approve the request by Mr. Roger Joseph to postpone zoning file No. C14-70-226 until he notifies the Council. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

ANNEXATION ORDINANCES

Mayor LaRue brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ASUTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 32.63 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Quail Creek, Phase 2, Section One)

The ordinance was read the third time and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 19.5 ACRES OF LAND OUT OF THE JOHN APPLGAIIT SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Price moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

REFUND CONTRACT

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH NORWAL, INCORPORATED; AND DECLARING AN EMERGENCY. (Water and sewer mains in Quail Creek West, Phase 2, Section 3)

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Janes, Johnson, MacCorkle, Price, Mayor LaRue

Noes: None

Not in Council Room when roll was called: Councilman Gage

The ordinance was read the second time and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Janes, Johnson, MacCorkle, Price, Mayor LaRue

Noes: None

Not in Council Room when roll was called: Councilman Gage

The ordinance was read the third time and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Janes, Johnson, MacCorkle, Price, Mayor LaRue

Noes: None

Not in Council Room when roll was called: Councilman Gage

The Mayor announced that the ordinance had been finally passed.

CITY PARTICIPATION

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Quail Creek West, Phase 2, Section 3, have installed a 12-inch cast iron water main in lieu of an 8-inch cast iron water main with a cost difference of \$1,960.93, pursuant to a subdivision plan called Quail Creek West, Phase 2, Section 3, and have requested that the City participate in the added cost of the 12-inch cast iron water main; and,

WHEREAS, the Deputy City Manager of the City of Austin and the Director of the Water and Waste Water Department of the City of Austin have recommended said participation; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager of the City of Austin, be and

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

he is hereby authorized and directed to enter into a participation agreement under the terms of which the City of Austin shall acquire title to the above described main from Norwal, Incorporated, the actual cost of said participation not to exceed \$1,960.93.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ZONING ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: (1) A 147 SQUARE FOOT PORTION OF LOT 8, MISSION HILLS SUBDIVISION, SECTION 3, LOCALLY KNOWN AS 3512 BURLESON ROAD FROM "LR" LOCAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (2) A 10,672 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2936 EAST 12TH STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (3) A 1,850 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 115-145 SOUTH FIRST STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (4) LOT 10, BLOCK 1, JOHNSON'S RIVER ADDITION, LOCALLY KNOWN AS 2307 LAKE AUSTIN BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Not in Council Room when roll was called: Councilmen Atkison, Gage

The ordinance was read the second time and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Not in Council Room when roll was called: Councilmen Atkison, Gage

The ordinance was read the third time and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Ayes: Councilmen Janes, Johnson, MacCorkle, Price, Mayor LaRue

Noes: None

Not in Council Room when roll was called: Councilmen Atkison, Gage

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A .6 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2913-2917 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Present but not voting: Councilman Johnson

The ordinance was read the second time and Councilman Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Present but not voting: Councilman Johnson

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Present but not voting: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOTS 1-7, BLOCK 29, HYDE PARK ADDITION, LOCALLY KNOWN AS 4009-4015 AVENUE H; 401-403 EAST 41ST STREET, FROM "A" RESIDENCE DISTRICT TO "B"

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman MacCorkle

The ordinance was read the second time and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman MacCorkle

The ordinance was read the third time and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman MacCorkle

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 14,017 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2229-2233 RICHCREEK ROAD, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

The ordinance was read the second time and Councilman Gage moved the ordinance be passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Price, Mayor LaRue
Noes: Councilmen Johnson, MacCorkle

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

CASH SETTLEMENTS

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Wood Shadows, Section 1-A, have installed water and sewer approach mains at a cost of \$56,045.76, pursuant to a subdivision plan called Wood Shadows, Section 1-A, and have requested an 75%/25% cash settlement of the above amount in lieu of a refund contract; and,

WHEREAS 75% of the aforementioned \$56,045.76 equals \$42,034.32, which amount is agreed upon as the cash settlement value of said approach mains, in lieu of refund contract; and,

WHEREAS, the Deputy City Manager of the City of Austin and the Director of Water and Waste Water Department of the City of Austin, have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager, be and he is hereby authorized and directed to execute a cash settlement contract under the terms of which the City of Austin shall acquire title to the above described mains, from Wood Shadow Apartments, Ltd. and to pay to Wood Shadow Apartments, Ltd. 75% of the actual cost thereof not to exceed \$42,034.32.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Not in the Council Room when roll was call: Councilman Johnson

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Lambert Subdivision, have installed sewer utilities at a cost of \$6,311.76, pursuant to a subdivision plan called Lambert Subdivision, and have requested a 60%/40% cash settlement of the above amount in lieu of a refund contract; and,

WHEREAS 60% of the aforementioned \$6,311.76 equals \$3,787.06, which amount is agreed upon as the cash settlement value of said utilities in lieu of refund contract; and,

WHEREAS, the Deputy City Manager and the Director of Water and Waste Water Department of the City of Austin have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager of the City of Austin, be and he is hereby authorized and directed to execute a cash settlement contract under

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

the terms of which the City shall acquire title to the above described utilities from C. E. Lambert, and to pay to C. E. Lambert 60% of the actual cost thereof not to exceed \$3,787.06.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Not in the Council Room when roll was called: Councilman Johnson

LICENSE AGREEMENT

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a certain license agreement with Missouri-Pacific Railroad Company, for the installation of one 8-inch water pipe line and one 6-inch sanitary sewer pipe line beneath the Railroad's Bergstrom Spur, south of Burleson Road, south of Austin. The water line shall cross 144.06 feet west of Mile Post #3 and the sanitary sewer line shall cross 340.74 feet west of Mile Post #3; and in accordance with the terms and provisions of that certain license agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said license agreement in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Price, Mayor LaRue

Noes: None

Not in Council Room when roll was called: Councilmen Johnson, MacCorkle

Councilman Gage offered the following resolution and moved its adoption:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a certain pipe line agreement with Missouri-Pacific Railroad Company, for the installation of an 8-inch sanitary sewer line across a portion of Missouri-Pacific property just off Shelby Lane and north of East St. Elmo Road; and in accordance with the terms and provisions of that certain pipe line agreement exhibited to the City Council and,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said pipe line agreement in the permanent records of her office without recordation in the Minutes of the City Council.

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Price, Mayor LaRue
Noes: None
Not in Council Room when roll was called: Councilmen Johnson, MacCorkle

SPEED LIMITS ESTABLISHED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is less than thirty (30) miles per hour on school days during the hours of 7:30 to 8:30 A.M. and 2:30 to 4:00 P.M.; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour on such days and during such hours at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Shoalcreek Boulevard	200 feet north of Whiterock Drive	200 feet south of Whiterock Drive;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 21-41 of the Traffic Register.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than forty (40) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is forty-five (45) miles per hour at the following location:

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Bee Caves Road (RM 2244) (Eastbound & Westbound)	West City Limits	5,416 feet East of the West City Limits;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 21-42 of the Traffic Register, and be further authorized to mark "DELETED" any special regulation or portion thereof in the Traffic Register which is in conflict with this Resolution and the findings herein.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than thirty (30) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is thirty-five (35) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Barton Springs Road (Eastbound & Westbound)	5,416 feet East of the West City Limits	Centerline of Congress Avenue

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record these findings in Section 21-42 of the Traffic Register.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than thirty (30) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is thirty-five (35) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
East 7th Street (Loop 343) (Eastbound & Westbound)	71 feet West of the Centerline of Brushy Street	175 feet East of the Centerline of Calles Street;

and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is forty (40) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
East 7th Street (Loop 343) (Eastbound & Westbound)	175 feet East of the Centerline of Calles Street	1,748 feet east of the Centerline of Spring- dale Road;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record these findings in Section 21-42 of the Traffic Register, and be further authorized to mark "DELETED" any special regulation or portion thereof in the Traffic Register which is in conflict with this Resolution and the findings herein.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

speed for the operation of vehicles at the following location is more than thirty (30) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is thirty-five (35) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
North Lamar Blvd. (Northbound & Southbound)	260 feet South of the Centerline of West 5th Street	Centerline of West 30th Street

and,

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than thirty-five (35) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is forty (40) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
North Lamar Blvd. (Northbound & Southbound)	Centerline of West 30th Street	Centerline of West 45th Street;

and,

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than forty-five (45) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is fifty-five (55) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
South Lamar Blvd. (Loop 343) (Northbound & Southbound)	Centerline of Ben White Blvd. (Loop 360)	350 feet south of the Centerline of Panther Trail;

and,

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles is forty-five (45) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
South Lamar Blvd. (Loop 343) (Northbound & Southbound)	350 feet South of the Centerline of Panther Trail	201 feet South of the Centerline of Barton Skyway;

and,

WHEREAS, after an engineering and traffic investigation the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is more than thirty-five (35) miles per hour; and,

WHEREAS, after said investigation, the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is forty (40) miles per hour at the following location:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
South Lamar Blvd. (Loop 343) (Northbound & Southbound)	201 feet South of the Centerline of Barton Skyway	260 feet South of the Centerline of West 5th Street;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record these findings in Section 21-42 of the Traffic Register, and be further authorized to make "DELETED" any special regulation or portion thereof in the Traffic Register which is in conflict with this Resolution and the findings herein.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

EASEMENTS RELEASED

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Community of Fairview, Section Four, a subdivision in the City of Austin, Travis County, Texas, of record in Book 42 at Page 50 of the Plat Records of Travis County, Texas, same being out of and a part of Lot 22, Block B of said subdivision; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

283 square feet of land, same being out of and a part of Lot 22, Block B, Community of Fairview, Section Four, a subdivision in the City of Austin, Travis County, Texas, of record in Book 42 at Page 50 of the Plat Records of Travis County, Texas, which 283 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of the herein described tract of land, same being the intersection of the south line of said Lot 22, Block B, same being the north line of Thistlewood Drive, with the west line of an existing fifteen (15.00) foot public utilities easement, same being a line seven and one-half (7.50) feet west of and parallel to the east line of said Lot 22, Block B;

THENCE, with said line seven and one-half (7.50) feet west of and parallel to the east line of Lot 22, N 18° 15' E 113.55 feet to the northwest corner of the herein described tract of land, same being a point in the south line of an existing fifteen (15.00) foot public utilities easement, same being a line seven and one-half (7.50) feet southwest of and parallel to the northeast line of said Lot 22;

THENCE, with said line seven and one-half (7.50) feet southwest of and parallel to the northeast line of Lot 22, S 40° 25' E 2.93 feet to the northeast corner of the herein described tract of land, same being a point in a line five (5.00) feet west of and parallel to said east line of Lot 22;

THENCE, with said line five (5.00) feet west of and parallel to the east line of Lot 22, S 18° 15' W 112.64 feet to the southeast corner of the herein described tract of land, same being a point in the aforesaid south line of Lot 22, same being the aforesaid north line of Thistlewood Drive;

THENCE, with said north line of Thistlewood Drive, N 57° 53' W 2.66 feet to the point of beginning.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

utility purposes by map or plat of Barton Hollow, a subdivision of record in Book 46 at Page 31 of the Plat Records of Travis County, Texas, same being out of and a part of Lots 1 through 18, Block Two of said subdivision; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utilities easement, to-wit:

A strip of land fifteen (15.00) feet in width, same being the rear seven and one-half (7.50) feet of Lots 1 through 18, Block Two, Barton Hollow; said Barton Hollow being a subdivision of record in Book 46 at Page 31 of the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

ANNEXATION HEARING SET

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That a public hearing be held at 9:30 o'clock A.M., in the City Council Chambers of the City of Austin on the 14th day of January, 1971, for the purpose of providing an opportunity for all interested persons to be heard on consideration of the institution of annexation proceedings with respect to the below described property, to-wit:

295 acres of land, more or less, same being out of and a part of the James Mitchell Survey in Travis County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin on the present corporate limit line of the City of Austin as adopted by ordinance dated June 29, 1968, which point of BEGINNING is the southwest corner of that certain 22.06 acre tract of land

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

conveyed to Austin Corporation by warranty deeds of record in Volume 3752 at Page 579 and Volume 3755 at Page 2299 of the Deed Records of Travis County, Texas, same being the most southerly southeast corner of that certain tract of land conveyed to Egbert V. Smith by deed of record in Volume 852 at Page 489 of the Deed Records of Travis County, Texas, same also being the most westerly southwest corner of the herein described tract of land, which point of BEGINNING is in the proposed corporate limit line of the City of Austin, from which point of BEGINNING an iron pin at the northeast corner of Lot 2, Block P, Northwest Hills, Mesa Oaks, Phase Five, a subdivision of record in Book 40 at Page 19 of the Plat Records of Travis County, Texas, bears S 59° 59' E 32.27 feet, and from which point of BEGINNING the intersection of the south line of Burney Drive with the east line of Rustling Road bears south-westerly 367 feet, more or less;

THENCE, with the proposed corporate limit line of the City of Austin, same being the west line of said Austin Corporation tract of land, same also being the east line of said Smith tract of land, in a northerly direction with the following two (2) courses:

(1) N 30° 13' E 962.65 feet to a point;

(2) N 30° 23' E 696.53 feet to an iron pin at the northwest corner of said Austin Corporation tract of land, same being the most westerly northwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the north line of said Austin Corporation tract of land S 58° 07' E 324.06 feet to an iron pin at an interior ell corner of the herein described tract of land, same being a point in the south line of Spicewood Springs Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 69° 19' E to an interior ell corner of the herein described tract of land, same being a point in the north line of Spicewood Springs Road;

THENCE, with said north line of Spicewood Springs Road in a westerly direction to a point in the present corporate limit line as adopted by ordinance dated September 26, 1968, for the most northerly southwest corner of the herein described tract of land;

THENCE, with said present corporate limit line of the City of Austin as adopted by said ordinance dated September 26, 1968, and ordinances dated September 12, 1963, October 8, 1964, June 15, 1967, July 20, 1967, December 7, 1967, December 14, 1967, April 11, 1968, July 25, 1968, November 20, 1969, December 19, 1968, and the aforesaid ordinance dated June 29, 1968, in a northerly, easterly, southerly, and westerly direction to the point of BEGINNING.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and directed to cause a notice of such hearing to be published in a newspaper having general circulation in this City and in the area proposed to be annexed, such publication to be made not more than twenty (20) days, nor less than ten (10) days prior to the hearing.

The motion, seconded by Councilman Gage, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

CONTRACTS AWARDED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 2, 1970, for the Annual Contract for furnishing Automotive Batteries, to be purchased by the Fleet Administration Department; and,

WHEREAS, the bid of International Harvester in the sum of \$19,504.96 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of International Harvester in the sum of \$19,504.96 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with International Harvester.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 7, 1970, for the purchase of Software Package for an Assembly and Cobol Flowcharting System; Software Package for Job Accounting and Reporting System; and Software Package for Cobol Generators, to be used by the Data Processing Division; and,

WHEREAS, the bid of Applied Data Research, Incorporated in the sum of \$4,107.00 for Software Package for an Assembly and Cobol Flowcharting System; the bid Infosys, Incorporated in the sum of \$3,000.00 for Software Package for Job Accounting and Reporting System; and the bid of Atlantic Software, Incorporated in the sum of \$13,000.00 for Software Package for Cobol Generators, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids as enumerated above be and the same are hereby accepted and that L. H. Andrews, City Manager of the City of Austin be and he is hereby authorized to execute contracts on behalf of the City with Applied Data Research, Incorporated, Infosys, Incorporated and Atlantic Software, Incorporated.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

After a statement For the Record that delivery in no way constitutes a factor in providing services in the case of Three (3) each 333 KVA Distribution Transformers, Councilman Price moved the Council cast lots to award the contract. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

After drawing lots Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 4, 1970, for Three (3) each 333 KVA Distribution Transformers, to be used by the Electric Distribution Division; and,

WHEREAS, the bid of The Walter Tips Company in the sum of \$4,974.00 and the bid of Techline, Incorporated, in the sum of \$4,974.00, were the lowest and best bids therefor, and the acceptance of either of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; and,

WHEREAS, through the casting of lots, said contract was awarded to Techline, Incorporated; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Techline, Incorporated, in the sum of \$4,974.00, be and the same is hereby accepted, and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Techline Incorporated.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 2, 1970, for Twenty-nine (29) 4 Door Sedans; and Eleven (11) Police Sedans, to be purchased by the Fleet Administration Department; and,

WHEREAS, the bid of P. K. Williams Motors, Incorporated in the sum of \$81,635.00 for Twenty-nine (29) 4 Door Sedans, and the bid of Jay Smith Chrysler-Plymouth in the sum of \$36,366.00 for Eleven (11) Police Sedans, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of P. K. Williams Motors, Incorporated in the sum of \$81,635.00, and the bid of Jay Smith Chrysler-Plymouth in the sum of \$36,366.00 be and the same are hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City with P. K. Williams Motors, Incorporated and Jay Smith Chrysler-Plymouth.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 4, 1970, for One (1) each 5 Ray Automatic Switchgear and Two (2) each 4 Ray Automatic Switchgear, to be used by the Electric Distribution Division; and,

WHEREAS, the bid of Priester-Mell Company in the sum of \$36,053.83 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Priester-Mell Company in the sum of \$36,053.83 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Priester-Mell Company.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 8, 1970, for the construction of Municipal Auditorium Restroom Facilities; and,

WHEREAS, the bid of Gore Construction Company in the sum of \$35,771.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Construction Engineering of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Gore Construction Company in the sum of \$35,771.00 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Gore Construction Company.

The motion, seconded by Councilman Price, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 8, 1970, for construction, alteration, and tree-trimming work for the Electric Department; and,

WHEREAS, the bid of E. E. Stuessy Contractor, Inc. in the sum of \$596,177.50 -- Estimated Annual Cost based on Extending Unit Price, was the only bid received therefor, and the acceptance of such bid has been recommended by the Director of Electric Distribution Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of E. E. Stuessy Contractor, Inc. for said construction, alteration, and tree-trimming work be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with E. E. Stuessy Contractor, Inc.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to prepare a contract with Dobbs Houses, Incorporated for food service concession at Robert Mueller Municipal Airport, in accordance with the following terms and provisions:

8% of Gross Sales up to \$200,000.00

9% of Gross Sales over \$200,000.00 and up to \$400,000.00

10% of Gross Sales over \$400,000.00 or a Guaranteed Annual Payment of \$14,000.00 for the first five years of the lease term and \$20,000.00 for the second five years of the lease term;

and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That upon preparation of said contract, it be submitted to the Council for final approval.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue

Noes: None

REQUEST FOR STOP SIGN ON SHOAL CREEK
BOULEVARD AT WHITEROCK

MR. HOWARD PHARR, 6100 Shoal Creek, submitted a petition from 151 taxpayers pointing out traffic problems at the intersection of Shoal Creek and Whiterock Drive, requesting a traffic light or preferably a stop sign to alleviate the fast driving. Speeding violators make a hazardous crossing for school age children. Four serious accidents have occurred at this intersection. During the past week police units had radar enforcement which was most effective. At Greenlawn Parkway and Shoal Creek Boulevard four-way stop signs were installed, and are effective. This group felt they should have this protection at Shoal Creek and Whiterock. The Traffic Engineer, Mr. Ternus reported having had reviewed this intersection, and his Department was of the opinion that additional stop signs were not necessary at this time. The major item was speeding which is an enforcement matter. He noted a 20 mph speed zone in this area is to be considered today. The City Manager, Mr. Andrews, stated they would continue to watch this intersection, and see if there is any other way to handle it. If the 20 mph school zone is approved, it will be in effect the next day. Mr. Ternus noted the main factor where accidents had occurred resulting in injuries was the lack of seat belts. He asked for help in enticing

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

people to use the seat belts; thus reducing injuries. MR. KERMIT VOELKEL, said stop signs would be less expensive than radar patrol. The Council asked the people to try the 20 mph zones; and if they did not prove satisfactory, to return to the Council for further action.

REQUEST FOR USE OF TOWN LAKE AND FESTIVAL BEACH
AND FOR PERMISSION TO BURY A COMMUNICATION WIRE

MR. JERRY BURLESON, President, Austin Boat Club, requested the use of Toen Lake and the Festival Beach area on

April 3rd and 4th	August (Aqua Festival)
June 5th and 6th	September 4th, 5th and 6th
July 3rd and 4th	October 2nd and 3rd

1971, and for permission to bury a communication wire. The City Manager did not recommend the burying of a communication wire on a permanent basis as he wanted more information on such an installation. He recommended approving the dates. Councilman Johnson moved the Council approve the use of the Lake on the specified dates. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

REQUEST TO WITHDRAW ZONING FILE NO. C14-70-202

The Council had the request by MR. BOB R. HOWERTON, to withdraw zoning File No. C14-70-202. Everything being in order Councilman Johnson moved the Council approve the request to withdraw the following zoning application:

E. D. BOHLS for	1000-1002 East 13th Street	From "A" Residence
Austin Enterprises	1301-1305 Waller Street	To "C" Commercial
By Bob R. Howerton		

The motion, seconded by Councilman Gage, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman Janes

PROPOSAL FOR RELIGHTING
BUTLER I DIAMOND

MR. BILL SNOW, President of the Softball Association, reported the popularity of softball, and giving statistics on the number of teams and players involved, pointed out the definite need for more facilities for softball. Butler I diamond is the largest of the diamonds, and it needs modernizing at this time. The lighting on all of the parks in that area is inadequate. The Association had received a bid for furnishing and installing mercury vapor

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

lights around the infield of Butler I. The Austin Softball Association asked if the Council could work out a way to pay a part of the \$6,324 for the lighting. The City Manager was asked to give a report as soon as he could look at the availability of funds. Mr. Snow was asked to contact the City Manager's office to see about working this out.

CONTINUED HEARING ON APPEAL FROM PLANNING COMMISSION'S
GRANTING SPECIAL PERMIT TO GREG GANNAWAY FOR
104 UNIT APARTMENT HOUSE - 2701-2801 RAE DEL

Councilman Johnson asked that the record reflect that he was not participating in this matter.

MR. FRANK BOLTON, spokesman for a large group, expressed their point of contention as not to block the building of the apartments, but to minimize any adverse effects they would have on the adjacent property. They had not been able to reach Mr. Gannaway, but had mailed a letter setting out five points they wished him to consider - (1) a 6' privacy fence; (2) a sound barrier; (3) that the drainage be worked out; (4) that the blasting not be done requiring them to go to Court for an injunction or have a suit for damages; and (5) change the location of the garbage pick up. It was stated the building permit would cover the location of the garbage. The Council discussed these matters at length. Councilman Gage moved to sustain the action of the Planning Commission subject to proper drainage, garbage location, etc., subject to the approval of the City Manager's office. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Present but not participating: Councilman Johnson

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

REPORT ON RAW SEWAGE
DRAINING THROUGH PROPERTY

Regarding the drainage situation in the 2701-2801 Rae Del area, where it had been reported that raw sewage was flowing in the open ditch, the City Manager stated two sets of inspectors had been sent out to attempt to find this seepage, but they never found it.

PROPOSALS ON BUS SYSTEM

The City Manager announced two proposals for bus service in Austin had been received, and the Council had copies. The proposal from Transportation Enterprises is based on a short term operation of about eight and a half months, with a month or two on either side, should the Council desire. This proposal is predicated upon someone else operating the system after that time. This contract is on a .65 cent per mile of scheduled and operated service, the schedules to be at the option of the City. Under this proposal the City would make up any difference between the fares that came through the fare box plus other monies received for other services, advertising, charter, etc. The City Manager listed the gross revenue. The Mayor noted there was approximately an \$800 a day difference on the bus routes, and that it was the school services which had given the company the most difficulty in meeting its expenses. The City Manager noted duplications in school bus routes, which were set by the

PTSA, bus system and parents perhaps. No routes had been scheduled by the School Board of the City, and there is a need of revamping. He stated that Transportation Enterprises, if the Council wanted to go on a permanent type operation - a five year situation, would be glad to quote a price.

Both proposals appear to call for subsidization from the City. This may or may not occur. The City Manager listed three operations the Council should determine -- a long term contract, a short term route to operate until possibly next September, or to go into operation with a municipal system. At this time, the City is in fair shape to apply to the Department of Transportation for a 50% grant to purchase buses, shops, and shop materials. It was his opinion that the City had all the prerequisites for applying, and the grant must be approved prior to placing any orders.

Another consideration is determination of what to do with the "school bus routes", Austin being the only or one of the few cities providing for school routes. Buses used exclusively for school routes are not eligible for Department of Transportation funds. Mayor LaRue pointed out the transportation grant could be utilized whether or not the bus service was municipally owned. The City Manager explained the procedures, in that the City could own the buses with the grant and lease them to a private entrepreneur for about \$1.00. Discussion was held.

Councilman Gage expressed disfavor of operating a municipally owned bus system. Councilman MacCorkle wanted private enterprise to perform the transportation service; stating, however, it may be that the City eventually will have to go into the bus business. There must be understanding and an agreement with the school system's furnishing transportation for the schools.

Charge on Utility to aid bus service

The proposal from AMERICAN TRANSIT was at a 92% operating ratio, the City paying the difference when the ratio exceeded the 92%. American Transit could operate with their own equipment and would not necessitate the City's obtaining a federal grant. This alternative was discussed in detail. Councilman Price contended this service could be rendered for far less punishment on the taxpayers and help the poor people. He recommended placing the cost on the utility bill. He suggested that the City look into this on its own and try something in that line here.

Councilman Johnson likewise stated there were only two ways to go - either subsidize a company, or go into a municipal bus operation. He pointed out that two companies, one using \$30,000 to \$38,000 coaches and the other using \$8,000 coaches could neither one break even. With labor, insurance, management costs, money costs, equipment, etc., all increasing in cost, he could not know how these people (American Transit) are going to be able to come back other than with taxpayers' money. In summary, he stated the Council must make some ground rule decision. He did not believe anybody - the two parties who are bidding - can furnish service; the public is demanding service, the school service must be determined, and the Council must make a decision. Councilman Gage stated he wanted buses January 1st; he did not want to go into the municipal bus business; and he would like to have the schools buses if possible. Councilman Atkison said he would not support municipal ownership as in his opinion it would be more costly than private ownership.

Mayor LaRue, referring to the possible grant, believed this company could operate and stay within their 92% ratio; thus continuing the private operation of the bus system.

Councilman Janes could not agree to the American Transit proposal, as it would be another unilateral proposition. He asked if there were room for negotiating on the .65 cents with T.E.I. The City Manager said that left flexibility; and if the Council wanted to go into a five-year management contract with any type of equipment, they could work that out, including a six or eight month notice. The Mayor said since neither of these companies had the information about a transportation grant, perhaps if such were passed on to them, they might be able to submit two propositions: one as submitted today, and the other based on the availability of equipment, etc. on a given date. They might be in a position, under those conditions, to make a proposal without the 92% operation ratio condition, and come in under the conditions they originally operated.

After lengthy discussion, Councilman MacCorkle moved that the City Manager be authorized to negotiate with Transportation Enterprises on the mileage basis. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilman Atkison

Councilman Atkison made the following statement concerning his vote:

"I believe this is an unknown subsidy without control, and I will not vote to spend the taxpayers dollars for it, unless I have some idea of the cost. I vote 'no'."

Councilman Gage made the following statement concerning his vote:

"I regret that we find ourselves in this position. I think it is the only alternative that the Council has at this time in order to provide bus service on January 1st."

Councilman Price made the following statement:

"I am opposed to this type of agreement with any bus company, because I don't see spending tax payers money to subsidize a bus company to operate in the City without any recourse of our getting a thing in the world from the bus company. I think our problem can be worked out. We have been "put over the barrel" three times on short notices of cancellation of contracts. From this point on, our City Manager should look further into this with other companies and other alternatives and move out immediately either to go into the municipal type of bus or a bus management contract."

Mayor LaRue stated he voted "Aye" with the understanding this is a temporary measure, and definitely that participation from the Federal government will be available to the extent that assurance can be given that the City will have a good and permanent type of transportation services.

Councilman Gage, for clarification on the part of the public, and so that there would be explicit instructions, moved to instruct the City Manager to continue to investigate and negotiate other possibilities for bus service and report back to the Council no later than 30 days. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilman Atkison*

Councilman Atkison voting against the motion, as he did not support municipal ownership.

RECOMMENDED CHANGES FROM RETIREMENT BOARD
REGARDING CHANGES IN RETIREMENT AND PENSIONING SYSTEM

The Director of Finance, MR. NORMAN BARKER, reviewed the changes as recommended by the Retirement Board for increasing the Employees' Retirement and Pension Fund, and the Firemen's Retirement and Pension Fund, both proposed as a budgetary item. The Council had elected to set aside 6% necessary to raise its contribution for both systems. The actuary proposed a retirement age of 62, with increased benefits all along. Each employee under the system will contribute 6% rather than the 4%. The present system was compared with the proposed system, and increases and benefits were pointed out. The annuitants receive a cost of living increase up or down with the employee never receiving less than his originally computed amount. The actuary recommends this cost of living increase to go up to 2%, with a proposed maximum of 3%. Mr. Barker reviewed and explained the status of the Firemen's Retirement System as being a state program contract with the Federal Government.

The City's cost was estimated for budgeting as \$500,000, General Fund, and \$200,000, Utility Fund.

Pension Fund in Police Department

Councilman Johnson inquired about a separate Retirement System for the Policemen. The Finance Director said the Charter provision is that the system cannot be fragmented further, to have a police system, other employees, and firemen's pension system without amending the Charter. It does specify a provision for a separate fire department system as there is a state retirement set up for them. Councilman Johnson had noted comments in the Police Department, and he urged the City Manager to put this information in writing and disburse it to that Department. Mayor LaRue inquired about the City's contributing 6% to the general employees, and if it then could make an 11% to the Police Department employees. The City Attorney explained a separate system could not be initiated unless the Charter were amended. Mr. Barker said the Firemen are not under Social Security, but are under State Law as to their retirement. They have held their election, voting 82% to increase their contribution to 6%. The Firemen did vote not to go under Social Security.

Mayor LaRue commended the Finance Director on his fine presentation of this proposed pension system, and noted this was the type of presentation the Bond Houses received when the Officials go to New York, for their bond ratings.

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Gage moved the Council accept the recommendations, and that the Ordinance be brought in calling an election on December 28th, 1970; and subject to favorable affirmative results of the election that the ordinance amending the Retirement System be brought in on December 29th. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

SHOAL CREEK IMPROVEMENTS

The City Manager reported the Shoal Creek improvements were held up due to one property owner's not paying his part of the improvement until this Monday.

AGENDA DELIVERY

The City Manager stated the Agenda would go out to the Council Wednesday, rather than Thursday before Christmas.

CAPITAL IMPROVEMENT PLAN

It was suggested by the City Manager that the Council might want to make a determination on what it might want to do on the Capital Improvement Plan. The Planning Commission had not set its schedule, and it was decided that the Council wait until this is done before scheduling its meeting with the Commission.

ROOM TAX ORDINANCE

Councilman Janes reported receipt of a letter from Councilman Gage regarding the Room Tax, and stated the Council should pursue this and consider the appointments of a citizens committee. Regarding the Room tax, Councilman MacCorkle stated this was tax payers' money and it could not be turned over to any organization to spend any more than it could to some civic organization.

HOSPITAL - ADMINISTRATION

Councilman MacCorkle asked about the status of the Dr. Forrister case. The City Attorney reported the case had been referred to the Advisory Board, which in turn referred it back to the Staff. At this time, he had not received further information. The Mayor, referring to the Minutes of the Hospital Board, stated eight out of the ten points had been clarified, and those two points were being sent back for further clarification.

The City Manager, Mr. Andrews, stated the Council has a recommendation that the Advisory Board of Trustees be authorized to approve or disapprove staff privileges. This will come back to the Council again. Councilman MacCorkle stated if the Hospital Board is given power to pass on appointments it would then become an administrative Board rather than advisory.

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

Councilman Price noted a copy of a letter from the Hospital Staff that was sent to Judge Watson without considering the Council at all, and those in the Court House are very unhappy. Councilman Price had been appointed by the City to represent the City before the Commissioners Court. The letter referred to an inmate and the County Doctor's not being allowed to practice in the Hospital, and not being able to take care of his patients. It was pointed out this letter was from the Medical Staff rather than from the Hospital Administration. Councilman Price stated the representative of the City could go before the Commissioners Court and work something out with them. The incident stemmed from the County Doctor's admitting an inmate from the County, and not being able to attend him. Councilman Price stated the County Doctor did not have authority to practice at Brackenridge. The City Manager reported bringing inmates to the Hospital was no problem, but the doctor bringing them to Brackenridge is not a member of the Staff to practice in the hospital. Any doctor who wants to practice at Brackenridge should be certified as a staff doctor. This is a formality to which the physician must conform. Councilman Johnson stated this letter was making the County aware that the Doctor they are using is not on the staff at Brackenridge. Councilman Price said this was something the City and County should work out. The City Manager stated he would be glad to check into this. Councilman Gage moved that the City Manager look into this matter of County Physician being a Staff member at Brackenridge and report back. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

REPORT ON RAILROAD WORK

The City Manager reported that the railroads, under the contract, will have their part of the work finished by January 17th. They have now let the contract on the bridge, and they will be through by then, and the City can start covering over the abandoned rails.

ADJOURNMENT

The Council adjourned at 12:50 p.m.

APPROVED _____

Mayor

ATTEST:

City Clerk

*Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.